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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,002	07/19/2004	James Douglas Farfor	16058.3	8973

22913 7590 10/21/2005

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EXAMINER

CRANE, DANIEL C

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/502,002	Applicant(s) FARFOR, JAMES DOUGLAS	
	Examiner Daniel C. Crane	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-59 and 61 is/are rejected.
- 7) ☒ Claim(s) 60 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/24/2005</u> . | 6) <input type="checkbox"/> Other: ____.  |

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## **BASIS FOR REJECTIONS**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

## **REJECTION OF CLAIMS ON FORMAL MATTERS**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-54 and 56 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As to claim 1, failure to provide antecedence for "path" of the cutting means renders the subject matter indefinite. As to claim 5, failure to provide antecedence for "infeed side" of the blade renders the subject matter indefinite. As to claim 34, failure to provide antecedence for "feeding means" renders the subject matter indefinite. In this regard, the "folding means" is defined as the feeding implement and thus reference to "the feeding means" is unsupported by the claim. As to claim 37, failure to provide antecedence for "infeed side of

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the blade” renders the subject matter indefinite. As to claim 56, failure to provide antecedence for “foil” renders the subject matter indefinite.

#### **REJECTION OF CLAIMS OVER PRIOR ART**

Claims 1-4, 8-10, 14-16, 22-25, 34-36, 40-42, 47-50, 55 and 56 are rejected under 35 U.S.C. 102(b) as being anticipated by Arens (3,832,876). See Figures 3-5 where the cutting edge folding machine is shown to have a feeding means 120, 136, a cutting/folding station having a fold forming edge 170 and a cutting means 218. As to claim 9, plate 169 is provided with a surface that is adapted to provide support to the sheet material. With reference to claims 22, 23, 48 and 49, the projection is in the form of a gear rack 188 cooperable with gear 186 (see Figure 6). A recitation of the intended use (“for.....foil”) of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arens (3,832,876). Since Arens’ machine is directed to strip material and the method is the same as claimed by applicant, it is maintained that the skilled artisan having the benefit of Arens’ method would have been disposed to use Arens’ method on any type of strip material, whether it is thin sheet material or foil-like in thickness.

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Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arens (3,832,876) in view of Ruschmann (3,156,283). Coated feed rolls are widely known in the art for their gripping abilities. Accordingly, it would have been obvious to the skilled artisan at the time of the invention to have modified Arens' feed rolls 120, 136 by further coating the rolls with a friction material as taught by Ruschmann at 20 so as to facilitate feed of the material.

Claims 1, 2, 8-10, 14-17, 21, 22, 25, 27, 28, 31, 33, 34, 40-43, 47, 48, 51-53, 55-59 and 61 are rejected under 35 U.S.C. 102(a) or (e) as being anticipated by Muir (6,602,177). See Figures 3-5 where the machine is provided with cutting/folding station 68, 72, 80, a feeding means 32, 34, 40, 42 and a cutting means 68, 72. The forming edge is formed at 80. The machine is portable. As to claims 8 and 40, the point of the folding edge 80 establishes a "support means". In comparing Figures 3 through 5, the dwell is shown in Figure 4 where the feed rolls 32, 34, 40, 42 are stationary during the cutting and folding operation.

Claims 11 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muir (6,602,177) in view of Ruschmann (3,156,283). Coated feed rolls are widely known in the art for their gripping abilities. Accordingly, it would have been obvious to the skilled artisan at the time of the invention to have modified Muir's feed rolls 32, 34, 40, 42 by further coating the rolls with a friction material as taught by Ruschmann at 20 so as to facilitate feed of the material.

Claims 58 and 59 are rejected under 35 U.S.C. 102(b) as being anticipated by Kari (6,237,608). See Figure 2 where the foil is mounted on a roll within the machine and the

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machine can be operated to provide discrete foil sheets 51 with a folded edge. The machine is portable because of its manipulable size.

#### **INDICATION OF ALLOWABLE SUBJECT MATTER**

Claims 5-7, 12, 13, 18-20, 26, 30, 32, 37-39, 44-46 and 54 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim 60 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **PRIOR ART CITED BY EXAMINER**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

#### **RESPONSE BY APPLICANT(S)**

Applicant(s) response to be fully responsive and to provide for a clear record must specifically point out how the language of the claims patentably distinguishes them from the references, both those references applied in the objections and rejections and those references cited in view of the state of the art in accordance with 37 CFR 1.111 (a), (b) and (c).

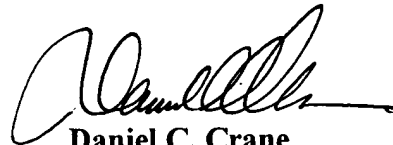
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## INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is (571) 272-4516. The examiner's office hours are 6:30AM-5:00PM, Tuesday through Friday. The examiner's supervisor, Mr. Derris Banks, can be reached at (571) 272-4419.

Documents related to the instant application may be submitted by facsimile transmission at all times to Fax number (571) 273-8300. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Examiner's Fax number is (571) 273-4516.

DCCrane  
October 14, 2005

A handwritten signature in black ink, appearing to read 'Daniel C. Crane', with a stylized, flowing script.

**Daniel C. Crane**  
Primary Patent Examiner  
Group Art Unit 3725